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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,719	12/11/2003	Irwin Gerszberg	1014-048 (2002-0465)	9733
26652	7590	04/05/2006	EXAMINER	
AT&T CORP. ROOM 2A207 ONE AT&T WAY BEDMINSTER, NJ 07921			NGUYEN, PHUNG	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/733,719

Applicant(s)

GERSZBERG ET AL.

Examiner

Phung T. Nguyen

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15, 16 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 14 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 5, 7, 8, 10-12, 15, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsushita et al. (US 2004/0056768) in view of Davis (U.S. Pat. 6,609,690).

**Regarding claim 1:** Matsushita et al. disclose photovoltaic power generation system and method of controlling photovoltaic power generation systems which comprises sensing an intruder within a predetermined vicinity (paragraph 0145). Matsushita et al. do not specially teach a Free Space Optical Communication system as claimed. However, the use of the free space optical communication system is old and known in the art as taught by Davis (col. 1, lines 21-33, and col. 3, lines 50-65). Therefore, it would have been obvious to the skilled artisan to utilize the technique of Davis in the system of Matsushita et al. to detect an intruder within a predetermined vicinity of a Free Space Optical Communication if desired. Matsushita et al. and Davis do not disclose reducing an emitted power of the FSOC system to a non-zero level as claimed. Since Matsushita et al. disclose the system can be shut down by the signal outputted from the detecting means (paragraph 0047) so that the emitted power is not harmful to the intruder, it would have been obvious to one of ordinary skill in the art to recognize the system of Matsushita et al. does reduce the emitted power to a non-zero level before it is completely shut down.

**Regarding claim 4:** Matsushita et al. teach calculating a comparison calculated value D (paragraph 0028) but do not teach comparing a sensed voltage to a reference voltage. However, it would be an obvious to the skilled artisan to have the sensed voltage that can be compared to a reference voltage if desired.

**Regarding claim 5:** Matsushita et al. teach the non-zero level a level that is not hazardous to the intruder (paragraph 0042). Plus the consideration of claim 1 above.

**Regarding claim 7:** Matsushita et al. teach alerting the intruder to a hazardous condition associated with the FSOC system (paragraph 0058).

**Regarding claim 8:** Matsushita et al. teach rendering an alarm to the intruder (paragraph 0058).

**Regarding claim 10:** Matsushita et al. teach providing a notification regarding the intruder (paragraph 0046, lines 8-10).

**Regarding claim 11:** Matsushita et al. do not teach detecting an absence of the intruder from a predetermined vicinity of the FSOC system. Since Matsushita et al. teach detecting means for detecting intrusion of an intruder into the restricted area (paragraph 0018), it would be obvious to the skilled artisan to recognize that the system of Matsushita et al. also teach detecting an absence of the intruder from a predetermined vicinity of the FSOC system.

**Regarding claim 12:** Matsushita et al. do not teach increasing the emitted power of the FSOC system. Since the system of Matsushita et al. can be shut down/reduced by the signal outputted from the detecting means (paragraph 0047) so that the emitted power is not harmful to the intruder, it would be obvious to the skilled artisan to increase the emitted power of the FSOC system also if needed.

**Regarding claim 15:** All the claimed subject matter is already discussed in respect to claim 1 above. Matsushita et al. also teach a switch adapted to reduce an emitted power (paragraph 0059).

**Regarding claim 18:** Matsushita et al. teach wherein the switch comprising an optical attenuator (paragraph 0059).

**Regarding claim 19:** Matsushita et al. teach wherein the sensor comprising a plurality of horizontal wires at least partially surrounding a perimeter of an installation site of the FSOC subsystem (fig. 1, paragraph 0090).

**Regarding claim 20:** All the claimed subject matter is already discussed in respect to claim 1 above.

3. Claims 2, 3, 9, 13, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsushita et al. in view of Davis and further in view of Amer et al. (U.S. Pat. 5,790,025).

**Regarding claim 2:** Matsushita et al. and Davis do not disclose sensing a capacitance change caused by the intruder. However, Amer et al. disclose tamper detection using bulk multiple scattering which teaches sensing a capacitance change caused by the intruder (col. 1, lines 20-27). Therefore, it would have been obvious to the skilled artisan to employ the technique of Amer et al. as an alternative way of determining the nature and/or direction of the intruder's movements.

**Regarding claim 3:** Amer et al. disclose sensing a voltage change caused by the intruder (col. 1, lines 20-34).

**Regarding claim 9:** Amer et al. disclose activating a video recording device (col. 6, lines 36-41).

**Regarding claim 13:** Amer et al. disclose wherein the FSOC system comprising a radio system (col. 2, lines 1-4).

**Regarding claim 16:** Refer to claim 13 above.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsushita et al. in view of Davis and further in view of Dodley et al. (U.S. Pat. 5,966,229).

**Regarding claim 6:** Matsushita et al. and Davis do not disclose reducing the emitted power of the FSOC system to a level that allows a communications link involving the FSOC system to remain operative. However, reducing the emitted power to the minimum acceptable power level for maintaining communications is old and known in the art as taught by Dodley et al. (col. 3, lines 31-46). Therefore, it would have been obvious to the skilled artisan to employ the teaching of Dodley et al. in the system of the combination so that the emitted power is not harmful to the intruder which is an advantage.

***Allowable Subject Matter***

5. Claims 14 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung Nguyen whose telephone number is 571-272-2968. The examiner can normally be reached on Monday to Friday from 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu, can be reached on 571-272-2964. The fax phone number for this Group is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 571-272-2600.

Phung Nguyen

A handwritten signature in black ink, appearing to read 'Phung Nguyen', with a long horizontal flourish extending to the right.

Date: March 31, 2006